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 BY DPTY. CLK. SS Jones
 DATE 10-27-04

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MASSACHUSETTS

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INNER-TITE CORP.
 Plaintiff,
 v.
 DEWALCH TECHNOLOGIES, INC.
 Defendant.

U.S. DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

Civil Action No.

04-40219 FDS

COMPLAINT

Plaintiff, Inner-Tite Corp. ("Inner-Tite"), for its Complaint against defendant Dewalch Technologies, Inc. ("Dewalch"), alleges as follows:

1. This action for patent infringement arises under the patent laws of the United States, 35 U.S.C. § 100 et seq. This Court has jurisdiction pursuant to the provisions of 28 U.S.C. §1338(a). Venue is proper in this district pursuant to the provisions of 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b).
2. Inner-Tite is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with its principal place of business at 110 Industrial Drive, Holden, Massachusetts 01520.
3. Upon information and belief, Dewalch is a Texas corporation having its principal place of business at 6850 Wynnwood Lane, Houston, Texas 77008-5024.
4. Inner-Tite is the assignee of all right, title and interest in and to U.S. Patent No. 6,763,691, including all claims for damages by reason of past infringement of

said patent. U.S. Patent No. 6,763,691 (hereafter referred to as "the '691 patent") was duly and legally issued by the United States Patent and Trademark Office on July 20, 2004. A copy of the '691 patent is attached hereto as Exhibit A.

5. Upon information and belief, Dewalch sells utility security products, including the ringless meter socket lock shown in the photograph attached hereto as Exhibit B (hereafter referred to as "the accused product").

6. Upon information and belief, subsequent to the issuance of the '691 patent, Dewalch has committed acts of infringement and continues to infringe the '691 patent by manufacturing, offering for sale and selling the accused product.

7. Upon information and belief, such infringement is willful.

8. Dewalch's infringement has caused and will continue to cause damages and irreparable injury to Inner-Tite, for which there is no adequate remedy at law.

WHEREFORE, Plaintiff Inner-Tite prays for judgment against the defendant Dewalch:

- A. Holding that the accused product infringes U.S. Patent No. 6,763,691.
- B. Ordering that Dewalch, its agents, servants, and employees and anyone acting in concert with it be enjoined and restrained permanently from infringing U.S. Patent No. 6,763,691 by manufacturing, offering for sale or selling the accused product.
- C. Awarding Inner-Tite judgment against Dewalch for its damages, and that those damages be trebled.

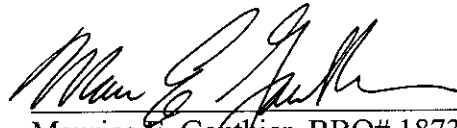
D. Awarding Inner-Tite judgment against Dewalch for interest, costs, disbursements, attorney's fees and all such other and further relief that the Court deems just and proper.

Respectfully Submitted,

Inner-Tite Corp.

By its attorneys

Date: October 27, 2004



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William E. Hilton, BBO# 559515
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Boston, Massachusetts 02110
(617) 426 - 9180



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A

(12) **United States Patent**
Rafferty

(10) **Patent No.:** **US 6,763,691 B1**
(45) **Date of Patent:** **Jul. 20, 2004**

(54) **METER BOX LOCK ASSEMBLY**

(75) Inventor: **Robert E. Rafferty**, Rutland, MA (US)

(73) Assignee: **Inner-Tite Corporation**, Holden, MA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 268 days.

(21) Appl. No.: **09/795,701**

(22) Filed: **Feb. 28, 2001**

(51) **Int. Cl.** **B65D 55/14**

(52) **U.S. Cl.** **70/164; 70/77; 70/232**

(58) **Field of Search** 109/1 R, 1 S, 109/23, 26, 31, 38, 48, 49.5, 50, 52, 54, 58.5, 59 R, 65; 269/53, 54.1, 76, 89, 41, 143, 249; 70/32-34, 63, 159-173, 77, 232, DIG. 34; 292/281, 288, 256, DIG. 11, 340, 341.18; 361/664-669

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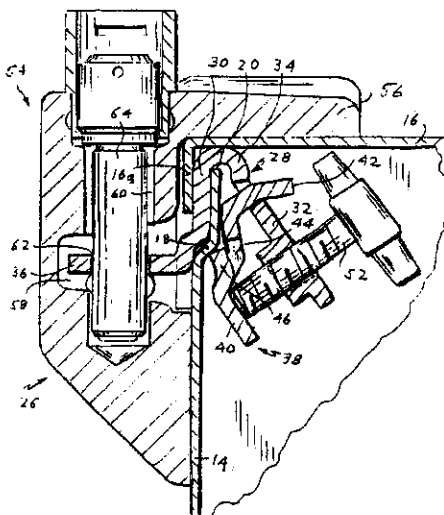
* cited by examiner

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Assistant Examiner—Ruth C. Rodriguez
(74) *Attorney, Agent, or Firm*—Gauthier & Connors

(57) **ABSTRACT**

A lock assembly for use in combination with an electric meter box or other like enclosure having a bottom, a side wall, and a cover which may be opened to gain access to the interior of the box, and which when closed, overlaps an upper edge of the side wall. The lock assembly includes a bracket having first and second mutually spaced flanges integrally joined by an intermediate web. A jaw is mechanically interengaged with and carried by the bracket for movement between its flanges. The bracket is configured for removable mounting on the side wall, with its intermediate web interposed between the cover and the upper edge of the side wall, and with the first flange and the jaw respectively located adjacent exterior and interior surfaces of the side wall. The jaw is urged towards the first flange to clamp the side wall therebetween, and a cap is secured to the bracket. The cap has a lip configured and dimensioned to overlap and maintain the cover in a closed position.

8 Claims, 5 Drawing Sheets



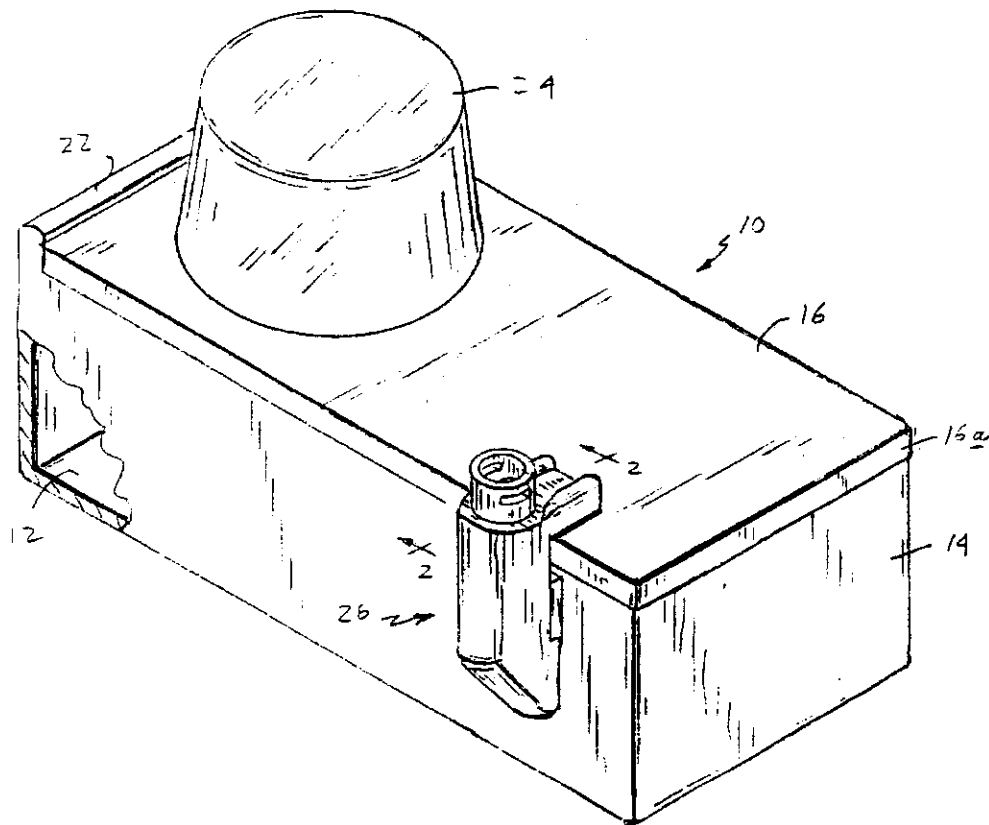


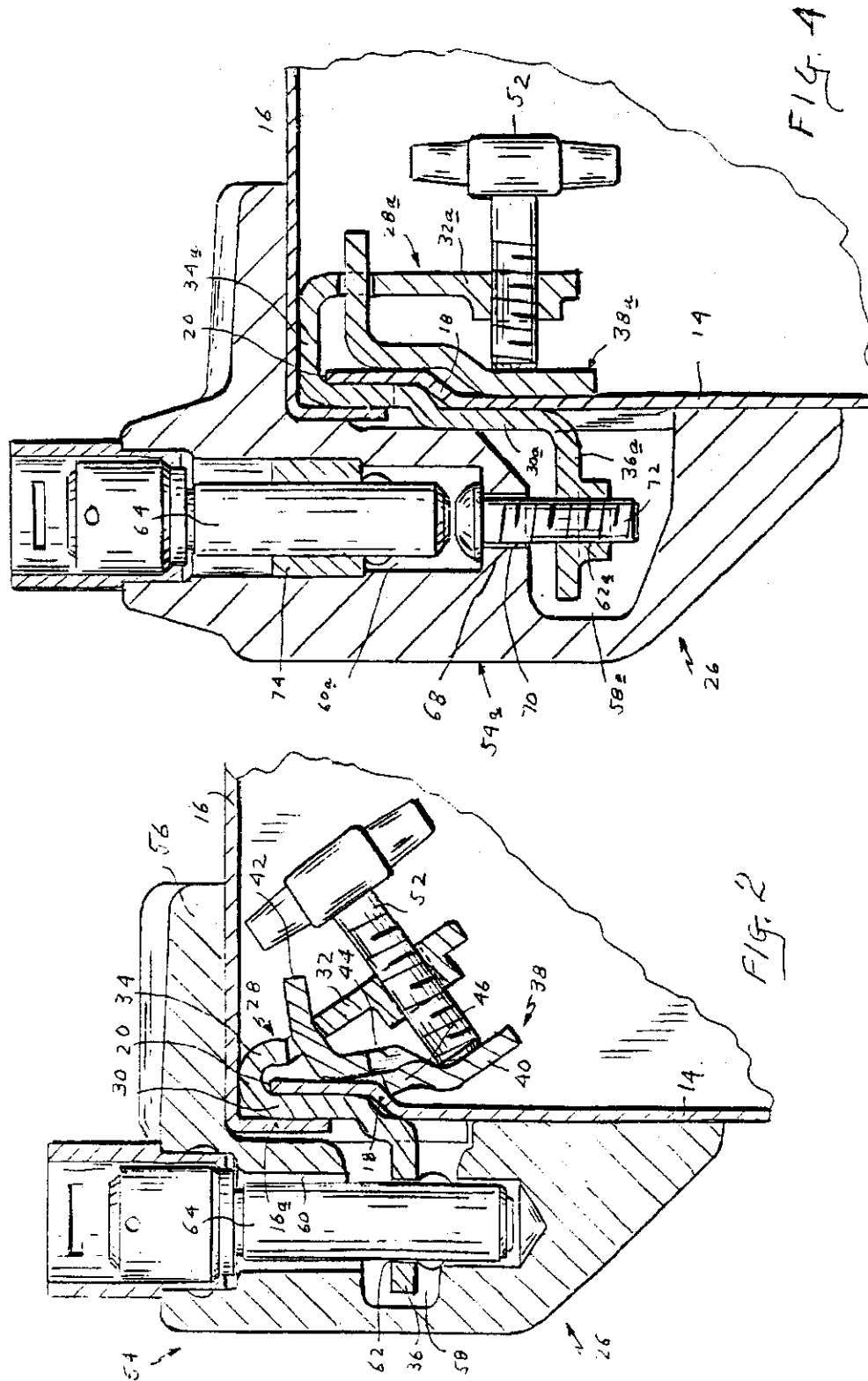
FIG. 1

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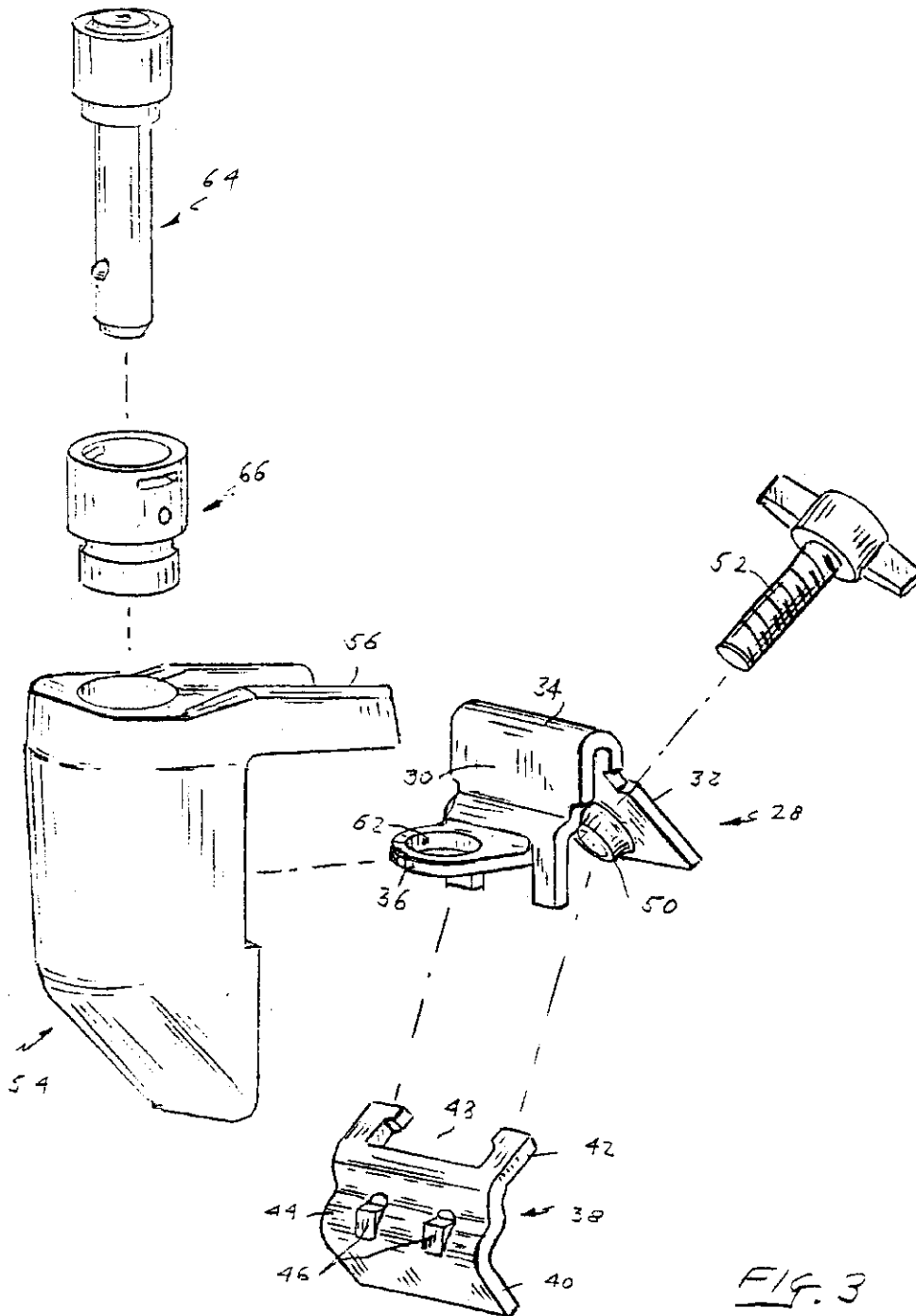


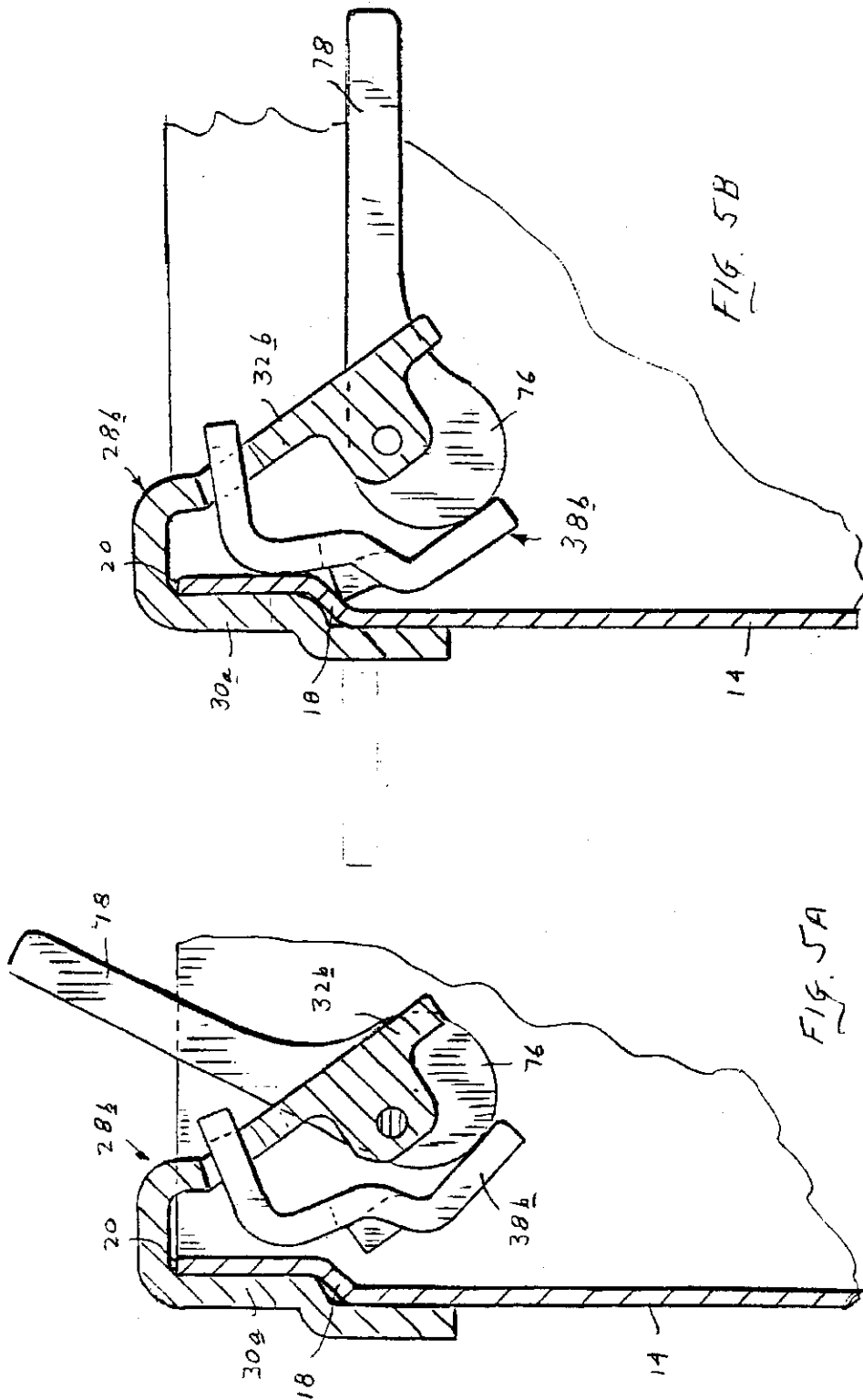
FIG. 3

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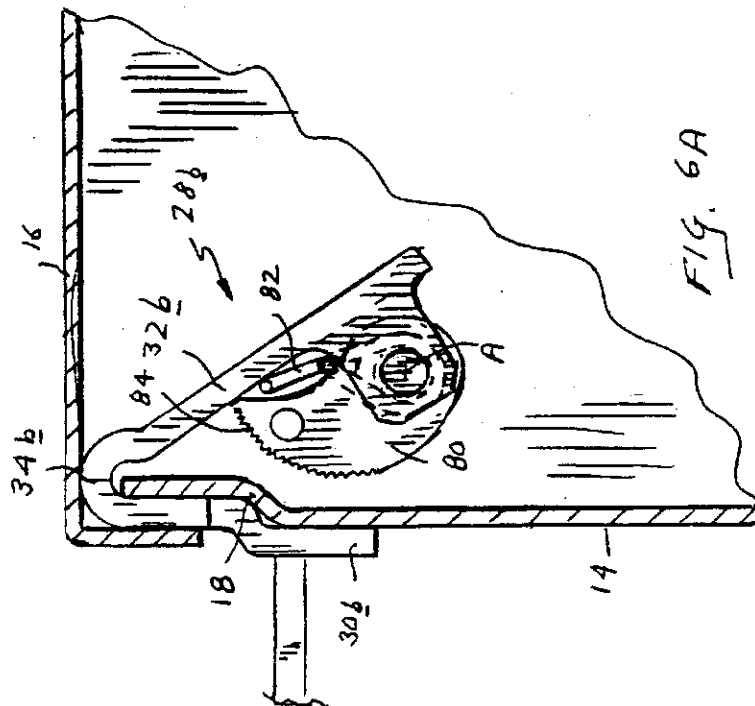
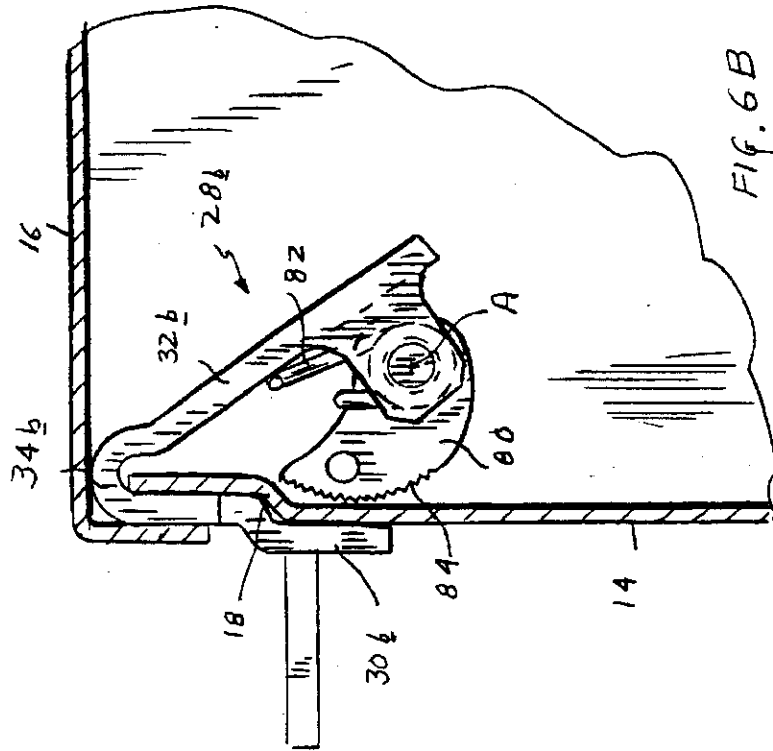


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METER BOX LOCK ASSEMBLY**BACKGROUND OF THE INVENTION****1. Field of the Invention**

This invention relates generally to electric meter boxes and other like utility equipment enclosures, and is concerned in particular with an improved lock assembly for preventing unauthorized access to the interiors of such boxes.

2. Description of the Prior Art

It is known to provide lock assemblies with exterior caps having lips that overlap and thus prevent unauthorized opening of meter box covers. Many of those lock assemblies, such as for example those described in U.S. Pat. No. 4,107,959 (Skarzynski et al.); U.S. Pat. No. 4,120,182 (Michelman et al.); U.S. Pat. No. 4,144,729 (Nielsen); U.S. Pat. No. 4,475,365 (Swisher); and U.S. Pat. No. 5,315,849 (Georgopoulos) are fixed in place by means of bolts extending through holes in the side walls of the meter boxes. This complicates installation, requiring the use of hand tools to drill or punch out the required bolt holes, and requires workmen to reach into the box interiors to tighten the bolts during installation.

Other lock assemblies, such as those disclosed in U.S. Pat. Nos. 4,031,732 (Michelman et al.); U.S. Pat. No. 4,080,811 (Nielsen) and U.S. Pat. No. 4,096,718 (Michelman et al.) avoid piercing the meter box side walls, relying instead on mounting brackets that overlap the upper edges of the side walls and that are secured in place by retaining screws bearing directly against the interiors of the side walls. Experience has shown, however, that the retaining screws are vulnerable to being bent or frictionally dislodged when external components of the lock assemblies are hammered, pried or otherwise forced by those seeking to gain unauthorized access to the box interiors. The mounting brackets are thus loosened and ultimately disengaged from the box side walls, resulting in failure of the lock assemblies.

Attempts to force the lock assemblies can also overly stress and thus defeat the barrel locks used to interconnect lock assembly components.

The objective of the present invention is to avoid the above-noted problems by providing an improved lock assembly that is easy to install without having to employ tools to drill, punch or otherwise breach the side wall of the meter box, and that once installed, is highly resistant to being dislodged or otherwise compromised by those seeking to gain unauthorized access to the box interior.

SUMMARY OF THE INVENTION

The lock assembly of the present invention is designed for use on an electric meter box or other like enclosure having a bottom wall, a side wall, and a cover that may be opened to gain access to the box interior, and that when closed, overlaps an upper edge of the side wall. The lock assembly includes a mounting bracket having first and second mutually spaced flanges integrally joined by an intermediate web. A jaw is mechanically interengaged with and carried by the mounting bracket for movement between the first and second flanges. The bracket is configured and dimensioned for mounting on the side wall, with its intermediate web interposed between the cover and the upper edge of the side wall, and with its first flange and the movable jaw located respectively adjacent exterior and interior surfaces of the side wall. A manually adjustable device, for example a screw, is

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threaded through the second flange and serves to secure the bracket in place by urging the jaw towards the first flange to clamp the box side wall therebetween. A cap with a lip overlapping the cover coacts in interlocked engagement with the thus secured bracket.

These and other features and advantages of the present invention will now be described in greater detail with reference to the accompanying drawings, wherein:

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view, with portions broken away, of a conventional meter box employing a lock assembly in accordance with the present invention;

FIG. 2 is a sectional view on an enlarged scale taken along lines 2—2 of FIG. 1;

FIG. 3 is an exploded perspective view of the basic components making up the lock assembly shown in FIGS. 1 and 2;

FIG. 4 is a sectional view similar to FIG. 2 showing an alternative embodiment of a lock assembly in accordance with the present invention;

FIGS. 5A and 5B illustrate a further embodiment of a locking mechanism for securing the mounting bracket to the side wall of the meter box; and

FIGS. 6A and 6B are views similar to FIGS. 5A and 5B showing still another embodiment of a locking mechanism for the mounting bracket.

DESCRIPTION OF PREFERRED EMBODIMENTS

Referring initially to FIGS. 1 and 2, a conventional electric meter box is shown at 10. The meter box includes a bottom wall 12, a side wall 14, and a cover 16. The side wall has a stepped configuration defining an angled ledge 18 spaced beneath the upper edge 20. The rear edge of the cover is overlapped by and captured beneath a lip 22 formed integrally with the side wall. The box encloses an electric meter (not shown) having a glass dome 24 protruding through an opening in the cover. As can best be seen in FIG. 2, the cover 16 is dimensioned to overlap the upper edge 20 of the side wall 14, with a peripheral lip 16a arranged to surround the top edge when the cover is in its closed position. A lock assembly 26 in accordance with one embodiment of the present invention serves to retain the cover in its closed position.

With further reference to FIG. 3, it will be seen that the lock assembly includes a mounting bracket 28 having first and second mutually spaced and angularly disposed flanges 30, 32 integrally joined by an intermediate web 34. A third flange 36 is formed integrally with and projects laterally from the first flange 30.

A jaw 38 has a stepped cross sectional configuration with angularly disposed flanges 40, 42 joined by a web 44. Teeth 46 project from one side of the web 44, and the flange 42 is cut away as at 48 to provide arms configured to interengage mechanically with notches in the sides of the flange 32 on mounting bracket 28.

A threaded boss 50 on flange 32 of the mounting bracket 28 accepts a manually adjustable thumb screw 52. The bracket 28 is configured for mounting on the side wall 14 of the meter box 10, with the intermediate web 34 extending over the upper edge 20 of the side wall, and with the first flange 30 of the bracket and the jaw 38 respectively located adjacent exterior and interior surfaces of the side wall. By manually tightening the thumb screw 52, the jaw is pivoted

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in a clockwise direction (as viewed in FIG. 2), causing the teeth 46 to engage the interior surface of the side wall beneath the angled ledge 18. The side wall is thus securely clamped between the first bracket flange 30 and the jaw 38. The angled orientation of the second bracket flange 32 and the resulting upward projection of the thumb screw 52 makes it possible for bracket mounting to be accomplished without having to reach into the interior of the meter box.

After the mounting bracket 28 has been secured to the box side wall, the cover is closed. A cap 54 is then employed to maintain the cover in its closed position. The cap has an externally projecting integral lip 56 and an internal recess 58 extending horizontally across a vertical blind bore 60. The recess 58 is configured to receive the third flange 36 of the mounting bracket 28, with the blind bore 60 aligned with an aperture 62 in the third flange.

A conventional barrel lock 64 is received in the bore 60 and aligned aperture 62, thus serving to mechanically interlock the cap 54 to the third flange 36, with the lip 56 of the cap overlapping the box cover 16. Optionally, the upper end of the barrel lock may be recessed within a protective ferrule 66 received in an enlarged diameter upper end of the blind bore 60.

In the alternative embodiment disclosed in FIG. 4, the mounting bracket: 28a again includes first and second flanges 30a, 32a joined by an intermediate web 34a. But here, the flanges 30a, 32a are arranged in parallel, resulting in the thumb screw 52 projecting horizontally into the box interior. Also, the jaw 38a is configured and arranged to be urged by the thumb screw 52 into horizontal sliding movement and into engagement with the interior surface of the box wall, again beneath the angled ledge 18.

The blind bore 60a of the cap 54a is separated from the recess 58a by an internal shelf 68 having an aperture 70 extending vertically therethrough. The aperture 70 is aligned with a threaded bore 62a in the third flange 36a of the bracket 28a, and a screw 72 extends through the shelf aperture 70 into threaded engagement with the threaded bore 62a in the third flange 36a to effect mechanical interengagement of the cap 54a with the mounting bracket 28a.

A sleeve 74 is secured, as for example by press fitting, into the vertical bore 60a. The sleeve cooperates with the barrel lock 64 to block access to the screw 72.

Force exerting means other than the thumb screws 52 shown in FIGS. 2-4 may be employed to urge the jaws 38, 38a against the interior surfaces of the box walls. For example, as shown in FIGS. 5A and 5B, the second flange 32b of the bracket 28b may be equipped with a rotatable cam 76 operated by means of a handle 78. When unlocked, as shown in FIG. 5A, the cam allows freedom of movement of the jaw 38b relative to the bracket flanges 30a, 32b to thereby accommodate mounting of the bracket on the box side wall.

The bracket may then be locked in place by depressing the handle 78, as shown in FIG. 5B, to rotate the cam 76 against the jaw 38b, thus urging the jaw into its locked position.

In the embodiment shown in FIGS. 6A and 6B, the mounting bracket 28b also includes first and second flanges 30b, 32b joined by an intermediate web 34b. Flange 32b carries a cam 80 rotatable about an axis "A". A force exerting means in the form of a spring 82 resiliently urges the cam to rotate in a counterclockwise direction. In FIG. 6A, the cam has been rotated in a clockwise direction against the biasing action of the spring and into an open position to accommodate mounting of the bracket on the side wall 14 of

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the meter box. In FIG. 6B, the cam has been released, and the biasing action of the spring has caused the cam to rotate in a counterclockwise direction, bringing the toothed periphery 84 of the cam into engagement with the interior surface of the box side wall 14 beneath the angled ledge 18.

In light of the foregoing, it will now be appreciated by those skilled in the art that the present invention offers a number of significant advantages as compared to known prior art lock assemblies.

For example, the lock assembly may be installed without having to drill, punch or otherwise breach the side wall of the meter box. Installation can be readily accomplished without having to employ tools such as drills, punches and the like.

The interposition of a movable jaw between the interior box side wall and the force exerting means (thumb screw 52, cams 76, 80 or the like) insures that the force exerting means is safeguarded from being bent or frictionally dislodged by stresses resulting from attempts to defeat the lock assembly by hammering, prying or otherwise forcing the external cap. Such stresses are absorbed by the external cap and the mounting bracket, leaving the barrel lock largely unaffected.

I claim:

1. For use in combination with a utility box having a bottom, a side wall, and a cover which may be opened to gain access to the interior of the box, and which when closed, overlaps an upper edge of the side wall, a lock assembly for maintaining the cover in its closed position, said lock assembly comprising:

a bracket having first and second mutually spaced flanges integrally joined by an intermediate web;

a jaw mechanically interengaged with and carried by said bracket for movement between said first and second flanges, said bracket being configured for removable mounting on said side wall, with said intermediate web interposed between said cover and the upper edge of said side wall, and with said first flange and said jaw respectively located adjacent exterior and interior surfaces of said side wall;

force exerting means for urging said jaw towards said first flange to thereby clamp said side wall therebetween;

a cap having a lip configured and dimensioned to overlap said cover; and interlocking means for securing said cap to said bracket.

2. The lock assembly of claim 1 wherein the side wall of said box is provided with an interior ledge spaced below said upper edge, and wherein said jaw engages said side wall beneath said ledge.

3. The lock assembly of claims 1 or 2 wherein said jaw includes at least one tooth engageable with said side wall.

4. The lock assembly of claim 1 wherein said force exerting means comprises a screw threaded through said second flange.

5. The lock assembly of claim 4 wherein said jaw includes a plurality of teeth engageable with said side wall.

6. The lock assembly of claim 1 wherein said jaw is pivotally connected to said second flange.

7. The lock assembly as claimed in claim 1 wherein said second flange is inclined at an acute angle with respect to said first flange.

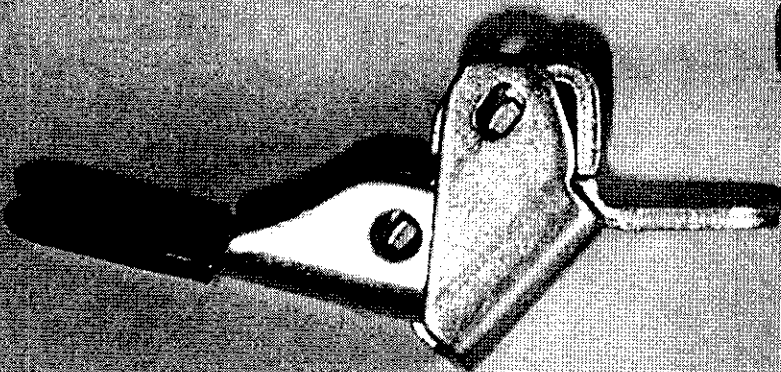
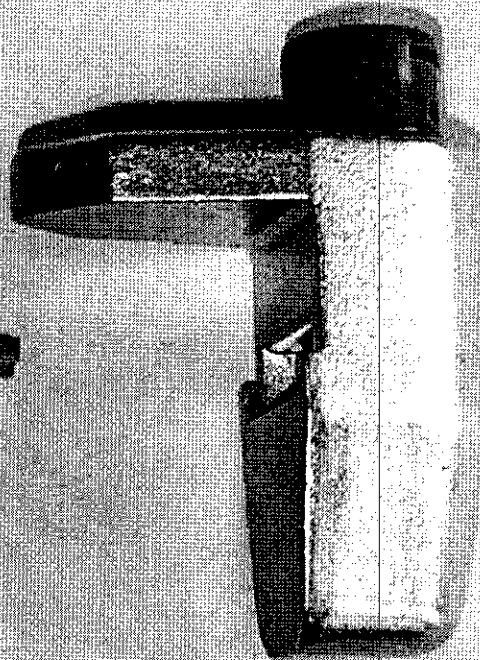
8. The lock assembly as claimed in claim 1 wherein said bracket is provided with a third flange projecting from said first flange, and wherein said interlocking means engages said third flange.

* * * * *

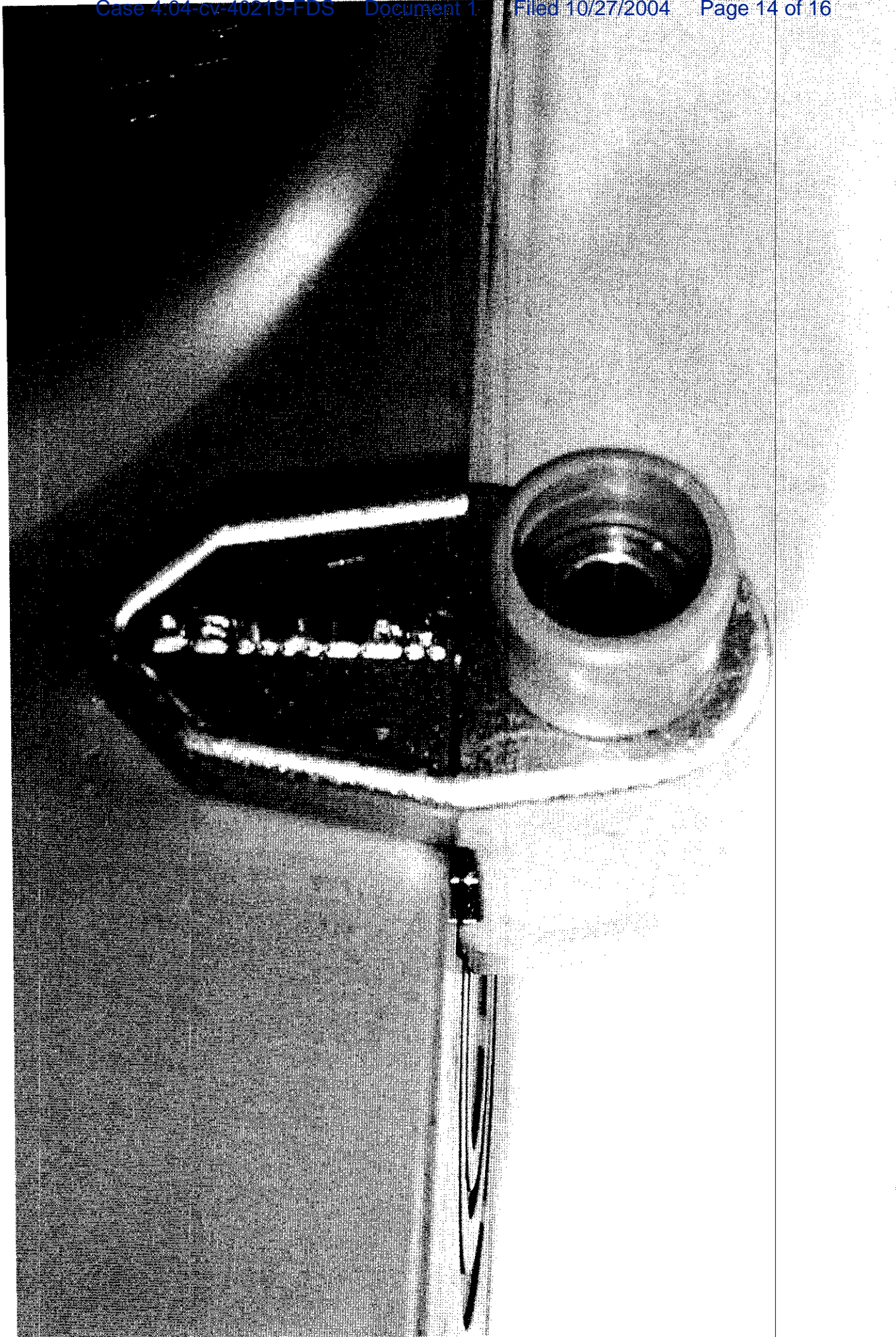
EXHIBIT

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04-40219

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Inner Tite Corp.

DEFENDANTS

Dewalch Technologies, Inc.

(b) County of Residence of First Listed Plaintiff Worcester, MA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maurice E. Gauthier (617) 426-9180
Gauthier & Connors, LLP
225 Franklin Street, Suite 3300 Boston, MA

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☒ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☒ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (12 USC 1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405 (g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RS 1 (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Patent Infringement under 35 USC § 100 et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

04-40219

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Inner Tite Corp. v.
Dewalch Technologies, Inc.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
- none
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- N.A. YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☐ Central Division ☒ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- N.A. YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

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